

## ***Topsfield Conservation Commission***

### **Minutes of March 30, 2011 Topsfield Library Meeting Room**

*Note: These minutes were drafted from the audio recording and the Administrator's Notes.*

#### Acronyms:

ANR -- Approval Not Required  
BoS -- Board of Selectmen  
BVW -- Bordering Vegetated Wetland  
CoC -- Certificate of Compliance  
DEP -- Department of Environmental Protection  
DoA -- Determination of Applicability  
EO -- Enforcement Order  
MS4 -- Municipal Separate Storm Sewer Systems  
NoI -- Notice of Intent  
RFP -- Request for Proposal  
RTC -- Rail Trail Committee  
OoC -- Order of Conditions  
STM -- Special Town Meeting  
TCC -- Topsfield Conservation Commission  
ZBA -- Zoning Board of Appeals

Present: Holger Luther, Vice-Chair; Jim MacDougall; Cheryl Jolley; Mark Erickson and Lana Spillman, Topsfield Conservation Administrator.

Absent: George Hall; Jud Pratt; Jennie Merrill

With a quorum present, the meeting was called to order at 7:15 p.m. with Luther as acting Chair.

**Hearing: NoI: 307-0672: 13 Prospect Street**, (Map 40, Lot 7) Longo/The Neve-Morin Group, Inc. Jolley read the legal ad. Greg Hochmuth showed the plan and went through the proposal. The house was built in the 1950s. There is no way to access one bay of the garage. A 10 by 22-foot addition is proposed. He wanted a wall but the neighbor objected. The project complies with setback with a 1.5 to 1 slope. Luther suggested having riprap at least. The area drops off precipitously into a garden plot. Hochmuth says there will be footings so the slab will not move. Luther acknowledged the area is a drumlin. The area has Paxton soils on the left, and Sudbury soils on the right. There is a floodplain for Cleaveland Brook offsite. Hochmuth says they would only be adding a foot to the slope. ZBA ruling said there is to be no retaining wall. Luther asked how to construct something that does not end up in the garden plot. Hochmuth proposes using an erosion control blanket during construction. Luther is comfortable that any drainage would end up in the garden plot. *Erickson moved to close the hearing. Jolley seconded. A unanimous vote in favor.*

*Erickson moved to issue an OoC with special conditions under the Act and Bylaw for the proposed garage addition at 13 Prospect Street, referencing a Map 40, Lot 7 dated March 7, 2011, plan. Jolley seconded. Unanimous vote in favor.*

**Request: Continuation CoC: 307-0624: 59 Main Street**, (Map 41, Lot 25) LeClair/Millennium Engineering

Spillman made a site visit with Ed LeClair last week and is waiting to observe drainage on the site and in and around the rain garden during and after a rainstorm. TCC agreed this item should be continued.

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**Meeting Minutes:**

Approval of meeting minutes of March 9, 2011, was put on hold.

June 29, 2005; July 20, 2005; February 27, 2008; and May 14, 2008, Spillman suggested language used for minutes prior to July 2008: "Accepted at the TCC meeting on January 7, 2009, with acknowledgment that this is the Commission's record of the meeting that took place on (date)." Luther is satisfied to endorse the minutes with that codicil. *Erickson moved to approve the June 29, 2005; July 20, 2005; February 27, 2008; and May 14, 2008, minutes as amended with the phrase added, "with the acknowledgment that this is the record that took place on those dates."* MacDougall seconded. *Unanimous vote in favor.*

**Other:**

**Rail Trail updates -- Joe Geller**

Geller would like to discuss this project and the project approved under a DoA at his home property.

At 7:33, Geller arrived. Joe Hattrup of Ironhorse has moved from Nevada to Massachusetts.

Spillman asked Hattrup twice in e-mails to come here at 7:30 pm. Luther asked what Geller is proposing from here. Geller indicated that Bill Manuell will be walking from Route 1 to Wenham line on Monday. Spillman would like to join him on the site visit. Geller indicated that the ties are out at the section between Route 1 and Maple Street. Hattrup hired K and R Construction to do that section, and K and R was to do the construction work of the trail. Through the grants through BoS, he got the money to put down crushed stone and construct the drainage swales along the way. The situation is that Hattrup has not fully paid K and R for the work. So there are encumbered funds. Unless the RTC pays K and R to do it, it will not get done. Hattrup's answer is always that they will take care of it in two weeks. Wenham and Danvers are in the same situation. Manuell will be making recommendations on Monday. Geller said although Summer Street to Route 1 is very useable, it's not completed. The problem is that Hattrup hired K and R on the phone, and there is no paper trail. A few rails are remaining. Geller has some ideas of who would do the work between Route 1 and Summer Street. The RFP got right up to the \$10,000 limit with K and R. After that, bids are needed. Essex National Heritage and Friends of Topsfield Trails could help with possible funding, if necessary. Spillman would like to have a pre-activity meeting prior to any work resuming.

**Proposed Pheasant Lane Land Swap, 19 (Map 6, Lot 23) and 19R (Map 11, Lot 2) Pheasant Lane, Warrant Article -- discussion with the O'Malleys**

With considerable effort by Luther and Spillman, the article is still on the Town Meeting Warrant. At 7:45, Tim O'Malley was present. Luther asked O'Malley to get the recordable plan together citing all the field work has been done. Spillman indicated there may be a need for more field work. O'Malley said the common boundary may be what he is talking about. He will also do an appraisal, and that may not be ready for the 13th. Luther suggested concentrating on the recordable plan as a priority. O'Malley indicated that he will turn this over to Neve-Morin on Tuesday. If they don't have the final, he expects to have a progress print by TCC's meeting on April 13. Luther wants the plan before Town Meeting so he can turn it into a plan to distribute at the Meeting. Luther told Selectman Martha Morrison about the rare stand of pignut hickory trees.

**Review of Draft Restoration Plan (EPA Order and TCC Enforcement Order) for Cross Street, (Map 62, Lot 2), Nash/Wetlands and Land Management**

Spillman has reviewed the plans and discussed them with Luther and discussed preliminarily with the EPA. Luther suggested to do the restoration the way it was initially planned and lose the culvert at the pond, and all remaining culverts comply with the Army Corps criteria. He wants real engineered drawings. The current plans are not acceptable. Jolley noted there are no details and too many X's. A professional civil engineer needs to be involved. The object is to slow down the water. A large swale was dug. It was supposed to be graded, etc. TCC discussed that the plans need to meet Army Corps

criteria for openness of culverts and a planting plan for all the pages needs to be shown. There needs to be a transition area of wetland that feeds into the created pond. The transition from 17 through 20 on the plan should be a gradual transition from BVW to pond and without riprap.

### **Highway Department OoC**

OoC was extended by the Economic Recovery Act to July 2011. Spillman suggests tree removal within jurisdictional areas be added. Separate NOI(s) would be necessary for culvert replacement, structure installation and other activities within wetland resource areas, estimated habitat areas, etc. Spillman will distribute the current OoC to Commissioners.

### **Hickory Beech Subdivision and High Street-- stormwater management concerns**

Spillman met with Dave Bond at the site and gave permission for the removal of sand/silt and addition of riprap and cleaning out of the existing culvert as a temporary fix and advised that Bond's proposed installation of a sump would need a separate OoC because it's more than maintenance and not covered by the current Highway Department and Water Department OoC. Spillman talked with Falzone who was going to visit the site the next morning. Spillman summarized the history of the area of the subdivision and explained the current problem. TCC feels strongly that the town should not install a sump and that it's Falzone's responsibility for the design. Luther would have to have evidence that the installation of a sump would solve the problem. If Falzone has a problem with drainage, it's his responsibility to fix it. Roads are also his responsibility, and an as-built plan for the road is needed. He needs to be notified that his drainage system is not working properly. Spillman will draft a letter to Falzone for Luther's review and copy Bond.

### **Proposal for future TCC Minutes -- discussion**

The Minutes Secretary would like to be able to write minutes from an audio recording and from notes without being present at meetings. After checking with the State, she found that attendance is not a requirement. It's up to the individual Commission how they handle it. Spillman using a Kopelman & Paige document pointed out the new/additional requirements for minutes, i.e., the summary of topics discussed as of the revised Open Meeting Law effective last July. MacDougall would like to have the absolute minimum. Luther suggested trying the proposed minutes writing for two meetings and see if the minutes could be done in the same amount of time.

### **Administrator Salary -- funding authorization**

The Fin Com decided not to adjust the TCC budget from the General Fund to address the end-of-year amount needed for the Administrator's pay. This means that transfers will be needed this fiscal year and again next fiscal year. Spillman submitted the requisite paperwork for a transfer from the Bylaw Revolving Fund to the Administrator's pay account at the special Town Meeting. Two votes are needed, one for each year. For FY 2011, the vote would be for a transfer of \$1,478 from the Bylaw Revolving Fund to the Administrator's pay account subject to approval of the Fin Com. FY 2012 funding adjustments would be discussed and a vote is needed. Luther feels that an STM transfer is not necessary and the decision is up to TCC. *MacDougall moved to approve the supplemental expenditure of \$1,478 out of the Revolving Fund for inclusion in STM Warrant article if necessary. The motion was seconded and passed unanimously.*

This is a backup vote. Luther will talk with Pam Wood tomorrow.

### **Office Fees**

TCC office has consulted with the Town Clerk's office and is working on a list of office fees such as copying, mailing, etc. and would like the agreement from TCC so that the fees may be posted.

TCC is in support of the proposed fees to be posted. *MacDougall moved to re-implement the office copying and other fees as described in Spillman's document of March 21. The motion was seconded and passed unanimously.*

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**TCC 2011 Action Plan -- update**

For a vernal pool site visit, MacDougall has suggested Sunday, April 3, at 9:00 a.m. in front of the Greenbelt property. Rubber boots and waders are suggested. Kathy will send out an announcement/reminder. MacDougall would like to hold off on the survey workshop schedule for now. At the TCC meeting on April 27th, he will discuss MS4 criteria for mapping culvert inserts. Other towns in the watershed including Conservation Commission members and DPW Directors will be invited to attend.

Spillman discussed marking the boundaries of conservation properties using funds from the Conservation Fund. MacDougall suggested having a contest in the schools to name the properties.

MacDougall suggested projects such as improving Pingree Hill property's access, property associated with Morningside development, crossing over the drainage ditch on High Street, and tapping maple trees.

**Administrator's Report:**

**Ferncroft Country Club, off Coppermine Road, Proposed Pond Dredging.**

Spillman has not been to the site recently. At the last visit, beavers appeared to be active.

**270 Boston Street, EO, Restoration Plan,** Albright, mowing of the vernal pool and Buffer Zone  
Spillman has drafted a letter to Albright and attached it. Mike DeRosa sent a message about the quarterly monitoring. Spillman strongly suggests a TCC site visit. MacDougall is abstaining from the discussion since DeRosa is a client. Spillman will send out the letter to Bear tomorrow with an April deadline.

**Second Amended OoC, 2006-01, 72 Hill Street,** (Map 69, Lot 16)

A site visit is needed. Spillman spoke with Ken Stowe at 80 Hill Street. Water from 72 Hill Street continues to be greater than pre-construction at 72 Hill and continues to be a serious problem. Leah Limone at 84 Hill Street had to move her horses offsite due to the amount of water on their property (coming from 72 Hill Street and across 80 Hill Street). Spillman has not made a site visit yet this spring. TCC questioned if the water of concern was from going down the road. Spillman explained that rather it's coming down the properties, some carrying sand (it would appear from the septic leaching system cover). MacDougall indicated that Stowe has been complaining to Dave Bond for a long time. TCC will make a site visit and evaluate. MacDougall and Luther will ask Malinowski for a date to go and take some pictures, especially of the check dams.

*MacDougall moved to adjourn at 9:13pm. The motion seconded and passed unanimously.*

Respectfully submitted,

Lisa Nihan-Demeule, Minutes Secretary

*Accepted at the TCC meeting on April 27, 2011.*

Pursuant to the 'Open Meeting Law,' G.L. 39, § 23B, the approval of these minutes by the Commission constitutes a certification of the date, time and place of the meeting, the members present and absent, and the actions taken at the meeting. Any other description of statements made by any person, or the summary of the discussion of any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Commission as to the completeness or accuracy of such statements.
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